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Stuart D. Cheshire

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EXAMINER

HAMZA, FARUK

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/676,572
Filing Date: September 30, 2003
Appellant(s): CHESHIRE, STUART D.

Anthony Jones (Reg. No. 59,521)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 18, 2011 appealing from the Office action mailed June 16, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims pending: 1, 5-9, 13-17, 21-24, 35-37 and 41-43

Claims rejected: 1, 5-9, 13-17, 21-24, 35-37 and 41-43.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set

forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,021,429	Danknick	2-2000
2003/0050955	Eatough et al.	3-2003
7,143,108	George	11-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5-9, 13-17, 21-24, 35-37 and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9 and 17 recite the limitation "the other client". There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 8, 9, 16-17, 24 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danknick (U.S. Patent Number 6,021,429)

hereinafter referred as Danknick and in view of Eatough et al. (US Pub. No 2003/0050955) hereinafter referred as Eatough.

As to claim 1, Danknick teaches a method for invalidating a resource record in a local cache at a client computer system within a network, comprising:
receiving a message from another client "NEB" querying a device (Col. 9, lines 21-26);

locating a resource record associated with the device (Col. 9, lines 26-29);
waiting for a response from the device to the message
querying the device (Col. 9, lines 30-32);

when a predetermined number of messages from the other client querying the device have been received without receiving the multicast response from the device to the other client, invalidating the resource record associated with the device (Col. 9, lines 35-40, Col. 10, lines 39-45).

Danknick does not explicitly teach the claim limitation of multicast message.

However, Eatough teaches the claim limitation of multicast message (P[0035]).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the system of Danknick by incorporating Eatough's teaching of multicast message. Motivation to do so comes from the knowledge well known in the art that multicast deliver information to a group of destinations simultaneously using the most efficient strategy to deliver the messages over

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each link of the network only once, creating copies only when the links to the multiple destinations split.

As to claim 8, Danknick teaches the method of claim 41, wherein the resource records are retrieved and the queries are issued at a pre-specified time interval (Column 3, lines 7-12).

As to claim 41, Danknick teaches the method of claim 1, wherein the method further comprises: retrieving a resource record from the local cache at the client computer system; issuing one or more queries for the resource record at the client computer system; waiting for a response to the query at the client computer system; and if the response to the query is not received in a pre-determined amount of time and after issuing a predetermined number of queries for the resource record, invalidating the resource record at the client computer system (Column 13, lines 65-Column 14, lines 13).

Claims 9, 16-17, 24 and 42-43 do not teach or define any new limitation other than above claims 1, 8, 35 and 41. Therefore, claims 9, 16-17, 24 and 42-43 are rejected for similar reasons.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danknick and in view of Eatough and further in view of George (U.S. Patent Number 7,143,108) hereinafter referred as George.

As to claim 35, Danknick teaches invalidating resource record.

Danknick and Eatough do not explicitly teach the claim limitation of invalidating a child resource record of the resource record.

However, George teaches the claim limitation of invalidating a child resource record of the resource record (abstract).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify the combined teaching of Danknick and Eatough by incorporating George's teaching of nullification and deletion of child record because that would enable the system to provide customizable deletion mechanism.

Claims 36 and 37 do not teach or define any new limitation other than above claim 35. Therefore, claims 36 and 37 are rejected for similar reasons.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellants arguments filed on July 19, 2011, the appellant argues that the term "the other client" does not render the claim indefinite (**see brief page 9, argument A**).

In response to A) The examiner respectfully disagree with the appellant. There is no recitation of "other client" in the claim prior to the recitation of "the other client". The examiner found no relation between "another client" and "the other client" in the claims. Therefore, recitation of "another client" prior to "the other client" does not provide proper antecedent basis.

The appellant argues that Danknick does not teach a client computer system receiving a multicast message from another client querying a device,

wherein the client computer system subsequently invalidates a resource record in the client computer system if a predetermined number of multicast messages from the other client querying the device have been received without receiving the multicast response from the device to the other client (**see brief page 11, argument B**).

In response to B) appellant's argument is inconsistent with the claim limitation. This/These limitation(s) are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

The appellant is further reminded that any general allegation of patentability does not specify, as required, how the highlighted language patentably distinguishes the claimed invention. This form of argument is wholly ineffective in demonstrating error in the Examiner's prima facie case to establish the patentability of the claims on appeal. Ex parte Belinne, Appeal No. 2009-004693, decided Aug. 10, 2009, (BPAI) (informative). Available at: <http://www.uspto.gov/web/offices/dcom/bpai/its/fd09004693.pdf>.

The examiner respectfully disagrees with the appellant's assertion that Danknick does not teach the claimed embodiments. Danknick discloses maintaining a list of device addresses for the LAN and providing device addresses to another device on the LAN which is operating as the list manager.

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This is a means of updating the list of device address as necessary (see Col. 1, lines 42-54).

Danknick teaches NEB (the examiner equated NEB to be the client) broadcasts for device addresses from another device in the LAN (the examiner equated device addresses to be the resource record) (see Col. 9, lines 22-29). NEB waits predetermined period of times for response (see Col. 9, lines 30-32). Danknick also teaches determining whether NEB has broadcasted its request a predetermined number of times (see Col. 9, lines 38-40). When NEB does not receive response after predetermined number of request it removes the device address from the device address list (see Col. 10, lines 39-45). Therefore, Danknick's teaching of sending broadcast request for device address, waiting for response and removing the device address from the device address list when it doesn't receive response after predetermined number of request meets the claim limitation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Faruk Hamza

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September 6, 2011

Conferees:

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